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JUN 05 2002

OFFICE OF PETITIONS

In re Application of:
Mark Timothy Sullivan, Carol
J. Courville, Paul Zorabedian,
Kery D. Bagwell and
David H. Kittell
Application No. 09/933,606
Filed: August 20, 2001
Attorney Dckt No. 10010323-1

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the Petition under 37 CFR 1.47(a), filed February 27, 2002, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on August 20, 2001, without a fully executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") was mailed on October 15, 2001, noting the above deficiency.

In response, Petitioner files the instant Petition. It is noted that the declaration has been altered such that the name, residence, post office address and citizenship of named inventors have been lined-through.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2).

As to item (2), the oath or declaration has been altered, however, the alterations have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or

declaration which complies with 37 CFR 1.67(a) is required. See, MPEP 605.04(a).

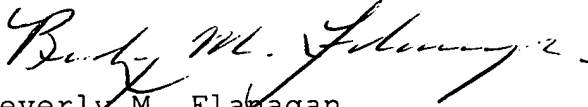
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA 22202-3513

Telephone inquiries related to this decision may be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy